

REMARKS

The December 5, 2007 Office Action regarding the above-identified application has been carefully considered; and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. The claims have been amended to address the various rejections. Care has been taken to avoid entry of new matter. For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

Patentable Subject Matter (101)

The Office Action rejected claims 14, 15, 18 and 26 under 35 U.S.C. § 101 as directed to non-statutory subject matter – computer program product with descriptive material. The rejection is traversed.

Claims 14 and 15 relate to a terminal and a server, that is to say machines, not programs per se. It is respectfully submitted that a terminal and a server as recited in claims 14 and 15 are patentable types of “machine” subject matter under 35 U.S.C. § 101.

The product claims 18 and 26 have been amended to more positively recite a “machine readable storage medium” and that the programming is embodied in the storage medium. As such, those two claims should expressly exclude carrier wave embodiments discussed in the original specification. Examples of storage media are included in the discussion in original paragraphs 0014 and 0061. Those paragraphs have been amended to delete references to carrier wave media, as suggested by the Examiner. It is respectfully submitted that a program product comprising a storage medium and a program embodied in the storage medium is a patentable type of “manufacture” subject matter under 35 U.S.C. § 101.

Hence, the 101 rejection should be withdrawn.

Summary of Art Rejections

The Office Action rejected claims 1, 9, 14, 15, 18 and 26 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent no. 7,050,102 to Vincent. Vincent discloses an image processing system that captures position and orientation information regarding a camera, together with images from the camera. A computer processes the position and orientation information to provide plan and elevation views of the camera's path. When a user clicks on a point on the path, the computer retrieves and displays an image that the camera captured at the chosen point. Attention for example may be directed the summary description running from line 40 of column 2 to line 20. Images may be presented in a three-dimensional display in which the user can navigate through the images using a joystick device, with the images located in positions corresponding to the positions in space of the objects that were imaged (see Abstract). Although the patent describes sending messages, e.g. in column 30, lines 10-24, it appears that these communications are between program objects within a video application (FIG. 26) running within one computer that is connected to the camera platform (FIG. 1).

The Office Action rejected claims 2-8, 10, 16, 19-25 and 27 under 35 U.S.C. § 103 as unpatentable over Vincent in view of U.S. Patent no. 6,608,559 to Lemelson et al. (Lemelson). This rejection cited Lemelson for a suggestion to overlay a path of a surveillance platform on a map display and for an alleged suggestion to digitize and index video.

Claims 11-13, 17 and 28-32 stand rejected under 35 U.S.C. § 103 as unpatentable over Vincent in combination with U.S. Patent no. 7,199,817 to Mottur et al. (Mottur). This rejection cited Mottur for a suggestion to periodically transmit notification messages containing information regarding the field of view of the camera and for a suggestion of user authentication.

These art rejections are traversed, for reasons discussed more fully below.

Novelty and Patentability Over the Art

Applicants respectfully submit that the amended claims listed above are novel and patentable over the art applied in the Office Action.

Claims 1 – 8

Claim 1, for example, relates to a method of obtaining and presenting video surveillance information. Claim 1 recites *inter alia*:

over a period of time, receiving position and orientation telemetry regarding operation of a camera mounted on an airborne moveable surveillance platform;

processing the telemetry over the period of time to determine a plurality of earth-oriented fields of view of the camera during movement of the airborne surveillance platform over the period of time;

displaying over time, representations of the determined earth-oriented fields of view of the camera on a map display on a user interface;

detecting a user selection of a displayed representation of at least one field of view via the user interface, the selected representation corresponding to a portion of the period of time;

formulating an information request indicating the corresponding portion of the period of time;

sending the information request via a network to a facility having access to stored video information received from the camera, over the period of time;

receiving one or more frames of video information generated by the camera, from the facility via the network, the one or more frames containing actual image data taken by the camera during the corresponding portion of the period of time and corresponding to the user selected representation of one or more fields of view; and

displaying the received one or more frames of video information to the user.

The steps of such a method, for example, may be performed at a user terminal device. As quoted above, the first independent claim positively requires that the camera is mounted on an airborne moveable surveillance platform and that the processing of the telemetry determines a

plurality of earth-oriented fields of view of the camera during movement of the airborne surveillance platform for display on a map display provided on the user interface. A user selects one or more such representations; and an information request indicating the corresponding portion of the period of time is formulated and sent, via a network, to a facility having access to stored video information received from the camera. One or more frames of video information generated by the camera, are received back from the facility via the network, for display to the user.

Vincent does not satisfy all requirements of Applicants' independent claim 1. Vincent discloses a ground based filming system with the ability to store/review data and collect and store metadata with the ability to replay and navigate in 3D, in local xyz space. However, such a system is not for the purpose of surveillance. Hence, Vincent is showing actual frames of video and navigating within the camera view based upon path of ground based camera. It is not providing a video or telemetry from an airborne moveable surveillance platform, and it is not processing telemetry to determine earth-oriented fields of view of the camera during movement of the airborne surveillance platform. Also, the only communication appears to be a wired communication between the computer and the camera. Hence, Vincent does not provide networked or remote communication to the user, in the manner recited in claim 1.

In fact, it is respectfully submitted that Vincent only controls what portion of the video frame of data is viewed. The Vincent system does not provide for the display of representations of fields of view and the ability to select from those representations to indicate an actual video frame or video clip that is to be received from a remote storage facility via the network.

For at least the reasons outlined above, Vincent does not satisfy all requirements of Applicants amended independent claim 1. Hence, claim 1 and the claims that depend therefrom are novel over Vincent.

The additional documents cited in the obviousness (103) rejections do not make up for the deficiencies of Vincent discussed above relative to claim 1.

For example, Lemelson relates to a warning and emergency response system. However, Lemelson uses remote satellites and drones or ground based sensors to perform surveillance for specific 'Danger' signs and to relay alarm triggers to a 'Central' facility which generates warning messages. The purpose is to warn of some danger condition, and video is only one type of sensor. The messages are for danger warning, not to allow access to video clips/frames as in claim 1. Hence, there is no method for user to select and retrieve specific pieces of video based on determined representations of fields of view of the camera on the surveillance platform. Maps are used to define danger areas, not as context to help a user orient and retrieve video clips or frame image(s). Hence, Lemelson would not have instructed a person of ordinary skill in the art to modify Vincent so as to determine earth-oriented fields of view of the camera during movement of the airborne surveillance platform to facilitate display of representations of those fields of view for use in selecting stored image information for downloading. Independent claim 1, and all of the claims that depend from 1, therefore should be patentable over the combination of Vincent and Lemelson.

Mottur focuses on camera control over a network, for providing real time viewing of video only. As noted above, the Office Action cited Mottur for an alleged suggestion to periodically transmit notification messages containing information regarding the field of view of the camera and for a suggestion of user authentication. Merely adding a general notification

message and/or user authentication to the system/method of Vincent would still not lead one of skill in the art to the method of processing telemetry to produce fields of view representations for display/selection purposes to enable retrieval of selected image information originally provided by a camera on an airborne surveillance platform as claimed. For example, there would still be no determination of earth-oriented fields of view of the camera, display of representations thereof to a user or receipt/display of image information downloaded based on user selection of one or more such representations.

Furthermore, the actual text of Mottur cited for the points alleged in the rejection does not appear particularly relevant to the messaging and authentication actually used in the methods recited in Applicants' dependent claims. For example, column 1, lines 25-43, provides a background discussion of webcams coupled to the Internet and fields of view of such webcams, but it does not disclose transmission of notification messages (as opposed to video). Column 2, lines 40-44, describes user control of a webcam, but again, there is no discussion of sending notification messages with camera telemetry. Column 9, lines 30-45, discusses sending control commands TO the camera, not receiving notification regarding operation of the camera. Although cited for user authentication, column 2, lines 44-51, only discusses functions available to a system administrator, not how the system might authenticate a user or the administrator. Applicants therefore submit that Mottur is not even particularly applicable for the points for which it was cited in the Action.

For at least these reasons, independent claim 1, and all of the claims that depend from 1, should be patentable over the combination of Vincent and Mottur.

Applicants therefore submit that claims 1-8 are novel and patentable over the art applied in the Office Action and that the art rejections of those claims should be withdrawn.

Claims 14 and 18 – 25

Claims 14 and 18 are independent claims directed to a programmed terminal and to a software product including a program for a terminal. Although the claim scope varies between the method claims (discussed above), the terminal claims and the product claims, the art fails to meet the terminal and product claims for reasons related to the distinctions over the art discussed above relative to claim 1.

For example, claims 14 and 18 both require functions involving receiving position and orientation telemetry regarding operation of a camera mounted on an airborne moveable surveillance platform, processing the telemetry to determine earth-oriented fields of view of the camera over the period of time and displaying representations of the determined fields of view of the camera on a map display on the user interface. As discussed above, Vincent does not disclose an airborne moveable surveillance platform and does not teach presenting representations of determined earth-oriented fields of view of the camera of such a surveillance platform. As further discussed above, neither Lemelson nor Mottur makes up for this deficiency of Vincent.

Further, claims 14 and 18 specify functions relating to detecting a user selection of one or more of the field of view representations and formulating and sending an information request indicating the corresponding portion of the period of time, via a network, to a facility having access to stored video information received from the camera. One or more frames of video information generated by the camera, are received back from the facility via the network, for display to the user. For reasons discussed above, it is respectfully submitted that neither Vincent alone nor Vincent in combination with either Lemelson or Mottur would satisfy claim requirements regarding detecting a user selection of a representation of a determined earth-

oriented field of view of the camera of an airborne surveillance platform or the attendant information request and receipt.

Hence, claims 14 and 18 – 25 should be novel over Vincent and should be patentable over the combinations of Vincent with Lemelson and Mottur.

Claims 9 – 13, 15 – 17 and 26 – 32

Claim 9 is a method claim relating to a technique for disseminating video surveillance information. The steps of the method, for example, may be implemented in a server or the like. Claim 15 relates to a server per se, and claim 26 relates to a product that includes a program for server execution. Although the scope of the claims varies somewhat, each of the independent claims does require receiving and storing real-time video image information from a camera mounted on an airborne moveable surveillance platform and receiving position and orientation telemetry regarding operation of the camera over the period of time. The server or the like transmits notification messages to a user's client device, through limited network communication facilities. The notification messages include information regarding the telemetry sufficient to allow determination of earth-oriented fields of view of the camera during movement of the airborne surveillance platform during the period of time. An information request is received from the user's client device, which identifies a user selected portion of the received real-time video image information. In response, the server or the like transmits the selected portion of the video image information to the user's client device through the limited network communication facilities. It is respectfully submitted that the applied art alone or in combination does not disclose or fairly teach such steps or functions.

For example, Vincent discloses a ground based filming system with the ability to store/review data and collect and store metadata with the ability to replay and navigate in 3D, in local xyz space. However, such a system is not for the purpose of surveillance. Hence, Vincent

is showing actual frames of video and navigating within the camera view based upon path of ground based camera. Vincent is not providing a video or telemetry from an airborne moveable surveillance platform, and Vincent is not providing notification messages sufficient to allow determination of earth-oriented fields of view of the camera during movement of the airborne surveillance platform. Also, the only communication appears to be a wired communication between the computer and the camera. Hence, Vincent does not provide networked or remote communication to the user or the user's client device, via limited network communication facilities.

For at least the reasons outlined above, Vincent does not satisfy all requirements of Applicants amended independent claim 9, 15 and 26. Hence, claims 9, 15 and 26 and the claims that depend therefrom are novel over Vincent.

It is respectfully submitted that the additional documents to Lemelson and Mottur, cited in the obviousness rejections, do not make up for the deficiencies of Vincent discussed above relative to claims 9, 15 and 26. For example, neither Lemelson nor Mottur suggests transmission of notification messages sufficient to allow determination of earth-oriented fields of view of the camera during movement of the airborne surveillance platform. Hence, neither the combination of Vincent and Lemelson nor the combination of Vincent and Mottur would satisfy the independent claim requirements. Applicants therefore submit that claims 9, 15 and 26 and the claims that depend therefrom are patentable over Vincent in combination with either Lemelson or Mottur.

Applicants therefore submit that claims 9 – 13, 15 – 17 and 26 – 32 are novel and patentable over the art applied in the Office Action and that the art rejections of those claims should be withdrawn.

Conclusions

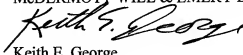
Upon entry of the above claim amendments, claims 1-32 remain active in this application, all of which should be novel and patentable over the art applied in the Action and directed to patentable subject matter. Applicants therefore submit that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the December 5, 2007 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:apr
Facsimile: 202.756.8087
Date: March 5, 2008

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